

CLEMENT ROBERTS (State Bar No. 209203)
croberts@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5700
Facsimile: (415) 773-5759

VICKIE FEEMAN (State Bar No. 177487)
vfeeman@orrick.com
FRANCES CHEEVER (State Bar No. 287585)
fccheever@orrick.com
EVAN BREWER (State Bar No. 304411)
ebrewer@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
1000 Marsh Road
Menlo Park, CA 94025-1015
Telephone: +1 650 614 7400
Facsimile: +1 650 614 7401

Attorneys for Defendants
CHECK POINT SOFTWARE
TECHNOLOGIES, INC. and
CHECK POINT SOFTWARE
TECHNOLOGIES, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FINJAN, INC. a Delaware Corporation,
Plaintiff,

v.

CHECK POINT SOFTWARE
TECHNOLOGIES INC., a Delaware
Corporation, CHECK POINT SOFTWARE
TECHNOLOGIES LTD., an Israeli Limited
Company,
Defendants.

Case No. 3:18-cv-02621-WHO

**DEFENDANT CHECK POINT
SOFTWARE TECHNOLOGIES, INC.
AND CHECK POINT SOFTWARE
TECHNOLOGIES, LTD.'S
STATEMENT OF RECENT DECISION**

Date: February 13, 2019
Time: 2:00 p.m.
Location: Courtroom 2, 17th Floor
Judge: Hon. William H. Orrick

Complaint filed: May 3, 2018
Trial Date: January 25, 2021

Pursuant to Local Rule 7-3(d)(2), Defendants Check Point Software Technologies, Inc. and Check Point Software Technologies, Ltd. (collectively, “Check Point”) write to notify the Court of a relevant recent decision from this District regarding issues presented in Check Point’s Motion to Enforce Court Order and Strike Infringement Contentions, ECF No. 55.

On January 28, 2019, Judge Tigar issued a sealed order in a case filed by Finjan in this District against Zscaler, Inc., asserting infringement of patents also at issue in this case. *Finjan, Inc. v. Zscaler, Inc.*, Case No. 17-cv-06946-JST, at ECF No. 105 (N.D. Cal., Jan. 28, 2019). Judge Tigar’s order found Finjan’s amended¹ infringement contentions deficient under Patent Local Rule 3-1. *Id.* Check Point became aware of this decision when Judge Tigar issued a redacted version of his order on February 5, 2019. *Finjan, Inc. v. Zscaler, Inc.*, Case No. 17-cv-06946-JST, at ECF No. 110 (N.D. Cal., Feb. 5, 2019).

A copy of Judge Tigar’s redacted Order Granting Motion to Enforce Order on Motion to Compel; Vacating Order to Show Cause; and Granting Motion to Enlarge Deadlines is attached hereto as Exhibit A for the Court’s convenience.

Dated: February 6, 2019

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Clement S. Roberts

Clement S. Roberts
Attorneys for Defendants
CHECK POINT SOFTWARE
TECHNOLOGIES, INC.
CHECK POINT SOFTWARE
TECHNOLOGIES, LTD.

¹ Judge Tigar previously granted Zscaler’s motion to compel amended infringement contentions, ordering Finjan to serve amended infringement contentions that complied with Patent Local Rule 3-1. *Finjan, Inc. v. Zscaler, Inc.*, Case No. 17-cv-06946-JST, at ECF No. 72 (N.D. Cal., Aug. 31, 2018). The order Check Point submits herewith as supplemental authority is thus styled as an order granting Zscaler’s motion to enforce Judge Tigar’s prior order compelling amended infringement contentions.